

Notice of Allowability

Application No.

10/742,899

Applicant(s)

LORSCHIEDT, WILLY

Examiner

Frederick C. Nicolas

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 4/20/2005.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☒ The drawings filed on 23 December 2003 and 11 April 2005 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 4/25/2005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with the applicant's attorney Mr. Lawrence E. Laubscher, Sr. on 4/22/2005.

The application has been amended as follows:

IN THE CLAIMS:

Claim 1, line 23, "its" has been deleted and --said-- has been inserted; line 26, "a" second occurrence has been deleted and --an inner-- has been inserted; lines 27-28, "a follower piston (22) that is vertically displaceable by the atmospheric pressure acting thereon" has been deleted and --a vertically displaceable follower piston (22)-- has been inserted; line 29, "afford the passage" has been deleted and --permit the flow-- has been inserted; line 30, before "delivery", --upper-- has been inserted; line 34, "terminating at its upper end in" has been deleted and --having-- has been inserted; line 36, "its" has been deleted and --said-- has been inserted; line 42, "at its lower end" has been deleted and --a lower end containing-- has been inserted; line 43, "with said" first occurrence has been deleted; line 50, after "given", --axial-- has been inserted.

Claim 6, line 5, after "the", --annular-- has been inserted; line 5, "can be placed" has been deleted and --is positioned-- has been inserted; line 6, "towards the container

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(1) on the contact surface (51a)" has been deleted and --toward the container (1) on the annular contact surfaces (51a) has been inserted.

Claim 7, line 2, "wail" has been deleted and --wall-- has been inserted; line 2, "an" has been deleted and --the-- has been inserted.

Claim 8, line 6, "its" has been deleted and --said-- has been inserted; line 8, "a" second occurrence has been deleted and --an inner-- has been inserted; lines 9-10, "a follower piston (22) that is vertically displaceable by the atmospheric pressure acting thereon" has been deleted and --a vertically displaceable follower piston (22)-- has been inserted; line 11, "afford the passage" has been deleted and --permit the flow-- has been inserted; line 12, before "delivery", --upper-- has been inserted; line 13, after "upper", --delivery-- has been inserted; line 16, "terminating at its upper end in" has been deleted and --having-- has been inserted; line 18, "its" has been deleted and --said-- has been inserted; line 24, "at its lower end" has been deleted and --a lower end containing-- has been inserted; line 25, "with said" first occurrence has been deleted; line 32, after "given", --axial-- has been inserted.

Claim 9, line 2, "cylinder" has been deleted and --portion-- has been inserted; line 2, "side" has been deleted and --cylindrical wall-- has been inserted; line 3, "(51)" has been deleted and --(5)-- has been inserted.

Claim 13, line 8, "its" has been deleted and --a-- has been inserted.

IN THE SPECIFICATION:

Delete the abstract on page 27, and --A dispenser includes an improved closure arrangement for sealing the dispenser in such a manner that oxidation of the paste-like

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product to be dispensed is avoided. The main headpiece is spring biased upwardly toward a first position relative to the container and to the product delivery piston, whereupon the upper end surface of the piston is spaced a given distance from the headpiece, and a cylindrical bearing surface on the headpiece closes the product supply outlets contained in the piston. When the main headpiece is depressed downwardly by the given distance toward an intermediate second position in which the headpiece engages the adjacent piston end surface, the bearing surface on the main headpiece is displaced downwardly to open the piston outlets. Upon further downward displacement of both the headpiece and the delivery piston toward a third position relative to the container, the paste-like product is pumped from the delivery chamber by the delivery piston for discharge via a main product outlet contained in the headpiece.-- has been inserted.

Allowable Subject Matter

2. Claims 1-17 are allowed.
3. The following is an examiner's statement of reasons for allowance: the prior art fails to disclose or render obvious a dispenser for dispensing a paste-like product in combination with the other claimed limitations of claim 1:

“(e) said delivery piston having a first position relative to said container such that when said main headpiece is in said first position, the upper end of said delivery piston is spaced by a given axial distance (a) from said main headpiece upper wall, and said delivery piston outlet opening is closed by an upper first surface portion (31b) of said bushing means;

(f) said main headpiece being longitudinally displaceable downwardly relative to said container and said piston toward a second position in which said headpiece top wall engages said piston upper wall, and said bushing means first surface portion is displaced to an open position relative to said delivery piston outlet opening”.

The prior art fails to disclose or render obvious a dispenser for dispensing a paste-like product in combination with the other claimed limitations of claim 8:

“a generally cylindrical mating headpiece (4) connected with said container for guiding said main headpiece, said mating member having an outer holding cylindrical portion (41) arranged concentrically about said container inner sleeve portion, and an inner tubular guide portion (42) arranged concentrically within said sleeve portion for guiding the sliding displacement of the headpiece (3)”.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y Mar, can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN
April 25, 2006



Frederick C. Nicolas
Patent Examiner
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